

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

ROBERT ROSS, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

ABERCROMBIE & FITCH COMPANY, et  
al.,

Defendant.

No. 2:05-cv-00819-EAS-TPK  
(**Consolidated**)

CLASS ACTION

JUDGE EDMOND SARGUS, JR.  
MAGISTRATE JUDGE TERENCE KEMP

Request for Hearing

**REQUEST FOR HEARING REGARDING PLAINTIFF'S MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS**

Defendant Robert S. Singer (õSingerö) respectfully requests a hearing regarding plaintiff's Motion to Compel Production of Documents from Singer. Parties have voluntarily postponed discovery in order to focus on settlement efforts through mediation. Accordingly, Singer also requests that the court hold the hearing of this dispute after the completion of mediation efforts and the voluntary postponement of discovery expires.

Oral argument is essential for the fair resolution of this Rule 612 dispute. The legal standard applied to Rule 612 disputes varies widely and relies heavily on the facts involved. As applied to privileged materials used in preparation for deposition, the Rule 612 standard requires a particularly complex balance. A hearing would allow greater analysis of the legal and factual underpinnings of this dispute.

The factual and legal issues involved in this Rule 612 dispute regarding privileged documents used in preparation for testimony are complex and justify oral argument.

For the foregoing reasons, defendant Robert S. Singer's request for hearing should be granted and scheduled after expiration of the voluntary postponement of discovery.

Respectfully submitted,

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*Counsel for Defendant Robert S. Singer*

### **CERTIFICATE OF SERVICE**

This is to certify that on March 30, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Michael R. Szolosi, Sr.  
Michael R. Szolosi, Sr. (0022317)